

MINUTES
RED BANK BOARD OF ADJUSTMENT
February 4, 2021

The Red Bank Zoning Board held a Zoning Board of Adjustment meeting on Thursday February 4, 2021 at 6:30 pm, via Zoom in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chair Lauren Nicosia called the meeting to order at 6:30 pm. The Board saluted the flag. A roll call showed the following members were in attendance: Lauren Nicosia, Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski, Sean Murphy, Anne Torre, Sharon Lee, Bob Frikker, Bruce Maida, Kevin Kennedy, Esq., Board Attorney, Ed Herrman, P.E., Shawna Ebanks, Director of Community Development and Maria Graziano, Board Secretary.

Kevin Kennedy read the Open Public Meeting Statement Act. An Adequate and electronic notice with the time, place and matter was posted in the two newspapers, with the Borough Clerk's office, the Borough website and posted outside the Red Bank Meeting room and on the front door of Borough Hall. Mr. Kennedy also announced the login information was advertised as well. Mr. Kennedy announced that if the public needed to contact us they could raise their electronic hand, call Maria Graziano or send her email at mgraziano@redbanknj.org.

Lauren Nicosia opened the meeting to the public for non-agenda items of which there were none.

Anne Torre motioned to approve the minutes from November 5, 2020, seconded by Lauren Nicosia. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski and Sean Murphy. Nays: None.

Lauren Nicosia motioned to approve the minutes of December 3, 2020, seconded by Eileen Hogan. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski, Sean Murphy and Sharon Lee. Nays: None.

Application:

Red Bank Corporate Plaza, LLC.; 141 West Front Street; B. 34, L-3.01, 25 & 26 Ed

Herrman was sworn in.

The following Exhibits were entered: B-2; Certification by Christine Irwin that she listened to the tape for the January 16, 2020 meeting: B-3; Certification by Bob Frikker that he listened to the tapes for the January 16, 2020 and December 9, 2020 meetings: B-4; Certification by Matt Anderson that he listened to the tapes for the January 16, 2020 and December 9, 2020 meetings: B-5; Certification by Ray Mass that he listened to the tape for the January 16, 2020 meeting.

Kevin Kennedy confirmed with Mr. Wersinger, the Attorney for the applicant, his consent to extend the time the Board has to act on the application, should the meeting be abruptly ended, due to unforeseen circumstances.

Peter Wersinger explained this is the third public appearance for the applicant. They are seeking approval for a bifurcated application. Testimony was previously concluded by the Traffic Expert, Maurice Rashed, who confirmed he was previously sworn and still under oath.

Lauren recognized the objecting Attorney for this application, Mr. Marchese.

Anne Torre confirmed with Mr. Rashed regarding the traffic study, stating that there were no future developments in the area surrounding this application. He confirmed he obtained information from the Planning Board that there are currently no approved plans for any developments, that would impact this area. They do account for a 1-2% general increase in traffic. Anne questioned the project at the VNA site. Ed Herrman confirmed the project was approved; however, they are currently in litigation. Sharon Lee confirmed the main intersections included in the study are Front Street and Pearl Street. Something 3 blocks away would not be included.

Sean Murphy questioned if the project approved by the Planning Board, 96-98 West Front Street was included in the study. Ed Herrman confirmed that project includes 8 residential units and commercial space. Mr. Rashed stated this project was not included, nor would it have made a difference in the study, if it were. The study utilized national standards. Under 100 trips per hour are considered not significant and a project of 8 units only generate 10 trips per hour. Lauren Nicosia confirmed the project by the rail station was not included in the study. Richard Angowski confirmed the intersection of Monmouth and Pearl Streets, even though it is one block away, was not included. It was Mr. Rashad's feeling that the surrounding intersections currently work efficiently. There was also discussion regarding special events, such as the Count Basie Theatre and the Two River Theater and it was explained that a week's worth of events would be used in the study.

Anne Torre confirmed a "D" rating is a good rating. Mr. Rashed explained the threshold.

Bruce Maida questioned the volume study pertaining to special events. Mr. Rashed confirmed with the DOT website that the information obtained was consistent with their information obtained from the study.

Mr. Marchese questioned that West Front Street and West Street were not analyzed. Mr. Rashed explained this intersection had minimal impact on the area, and was not included. There will be a parking lot entrance on West Street. Trip generation was discussed. Mr. Marchese discussed the parking lot driveway currently being completed by the Two River Theater. He confirmed you cannot totally account for everything. He also explained an incremental increase added by this proposed development is insignificant. For something that is already built, the information is included in the report; which was dated November 2019.

Ed Herrman confirmed peak hour impact is what is included in the report. The driveways on Wall and West Street were included in the study.

Angela Mirandi, 8 West Lake Road, was sworn in. She questioned the level of service report and intersections on Maple Avenue and West Street and making a left onto West Front Street. She questioned the trip generation calculation, which would be 49 in the morning and 60 in the evening and based on the parking spaces allotted for this development why it is so low. Mr. Rashed explained

the 137 units only generate 36 cars going out and 13 coming in for the morning calculation. The information was based on peak times only. There would be traffic earlier and later. There was also discussion regarding parking.

Mr. Wersinger stated the applicant would be open to discussion for significant shared parking with the Borough, during the site plan phase of the application.

Christine Nazzaro Cafone, PP., was sworn and accepted as an expert witness.

She explained they are seeking relief for the following (d) variances: a d(1) use variance for exceeding the 16 units per acre for the residential units on the upper floors; d(4) FAR variance, where 2.5 is proposed and 2.1 is permitted; and d(5) density variance, 52 units per acre; and d(6) for height. The property is an extension of the BR-1 zone and is suited per the Master Plan. The proposed application satisfied criteria G of the MLUL, providing sufficient space in an appropriate area; criteria M, efficient use of the land and criteria I, creating a positive visual environment.

The benefits of the application outweigh the negative. They are improving access and providing a public plaza, benches, a pergola with seating and walkway; which will lend curb appeal to the area. Retaining open space on Pearl Street and other favorable design elements are also included. The impact of the Zoning Plan must be taken into consideration. West Side Lofts contains 52 units per acre and the Wesleyan contains 62 units per acre. When looking at these surrounding developments, the proposed development is consistent with these properties and is considered favorable to the character of the area. They are only adding slightly more than 5,000 square feet to the current development, which will be on the rooftop area. This application has no detriment to the Zoning Plan.

Per the Master Plan, it was recommended taking advantage of the overlooking WD District. The proposed rooftop deck provides seating, which accommodates this guideline. In the 2009 Master Plan, it was recommended to increase density in this zone. In the 2019 Master Plan, it was encouraged to use dense or mixed use developments in the train station overlay district. Also, to provide a balance of living/job opportunities and a variety of housing to accommodate different levels of income. There will be 21 units (15%) set aside for Affordable Housing. This project meets the un-met need for the COAH criteria.

Drop-off and pick-up areas are proposed. Efficient use of land will be provided with the proposed parking garage. A harmonious, consistent visual environment will also be provided. Height was addressed and this project is consistent with the surrounding properties.

There are multiple "c" variances, that can be addressed at the site plan phase.

Minimum living space proposed will be smaller than permitted. The COAH units are proposed to be smaller than the market units, which is not unusual.

Sean Murphy questioned the train station overlay district and where it ends. The applicant is seeking multiple "d" variances. He has trouble with the traffic and the height of this project.

The park proposed is beautiful, but who can access it? Basically it is a benefit to the residents of the development, not the town. He feels they are asking for too much.

Ray Mass agrees with Sean. He felt the Master Plan update in 2019 would have included an increase in this area, if that is what they wanted.

Richard Angowski confirmed Ms. Cafone's testimony is that the project is consistent with the surrounding buildings. They discussed the Jacoby and Grasso Cases. He feels naming just a few of the neighboring buildings is not indicative of the entire neighborhood. Ms. Cafone reviewed the heights of the neighboring buildings.

Eileen Hogan discussed the height and feels it would just absorb the town. It is too large.

Bruce Maida felt there are buildings in the neighborhood that have been there many years.

Sean Murphy stated they want to increase the height three times what is permitted. Ms. Cafone stated each application must be evaluated individually.

Anne Torre stated the project being proposed is going to be built onto an existing garage, which is why this project is higher than permitted.

There were no questions from the public.

Mr. Marchese stated his clients are not opposed to development in the town, they just feel it is too large.

Angela Mirandi, previously sworn, agrees with Mr. Murphy.

Jamie Learn, 91 Manor Drive, was sworn. She agrees with the overall consensus of the Board. She has lived in Red Bank for 10 years. She left Hoboken to live in Red Bank for the charm of the town.

The public portion was closed.

Mr. Wersinger offered the following: Red Bank is a commercial, vibrant town. He discussed the history of the town and how it evolved. It was a shopping mecca. Shopping malls and other issues changed that. This development is consistent with the Master Plan. It is not the highest building in the area. The two tallest buildings are across the street from this project. He reviewed the main points for the application and the benefits to the area. Property tax benefits to the town, as well as the increase of the financial benefits to the businesses and the town. This application would result in a substantial boom to Red Bank. The applicants are open to suggestions from the Board.

He requested the Board not vote tonight and take their time digesting all the information presented.

Ray Mass does not recall ever approving an application with a height increase of three times more than permitted. He does not feel he would change his mind by waiting several months, unless the applicant revised the project.

Richard Angowski agrees with Ms. Learn, regarding her feelings about moving from Hoboken to Red Bank.

Lauren Nicosia made a motion to carry the application to June 3, 2021, seconded by Anne Torre. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski, Sean Murphy and Anne Torre. Nays: none.

There will be no further need for Public Notice. Mr. Wersinger confirmed his agreement to carry the application.

Anne Torre made a motion to adjourn the meeting, seconded by Eileen Hogan. The meeting was adjourned at 9:08pm.

Respectfully submitted,
Dina Anastasio